

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: AIR CRASH INTO THE JAVA SEA
ON JANUARY 9, 2021

MDL No. 1:23-md-3072

CONSENT MOTION FOR BRIEFING SCHEDULE

Pursuant to the court's order during the June 14, 2023 status conference, Rule 16 of the Federal Rules of Civil Procedure, and Rule 16 of the Local Civil Rules, Defendant, the Boeing Company ("Boeing"), moves the court to set the following briefing schedule for Plaintiffs' motions to remand, which shall be heard on Wednesday, August 9, 2023. The parties have conferred, and Plaintiffs consent to and jointly request the relief sought in this motion.

The parties propose the following schedule for briefing these motions:

1. Plaintiffs whose cases were transferred to this district from the Northern District of Illinois shall file a single, consolidated supplemental memorandum of facts and law addressing any relevant differences between Seventh and Fourth Circuit law on the issues briefed in their original motions to remand. The memorandum shall be filed on or before Wednesday, July 5, 2023. The memorandum shall be no more than 20 pages.

2. In the cases transferred to this district from the Northern District of Illinois where briefing on the remand motions was otherwise complete prior to transfer, Boeing shall file a single brief in response to Plaintiffs' supplemental memorandum of facts and law on or before Friday, July 21, 2023. Boeing's memorandum shall be no more than 20 pages.

3. In the cases transferred to this district from the Northern District of Illinois where briefing on the remand motions was not completed prior to transfer, Boeing's briefs in opposition to Plaintiffs' motions to remand shall be filed on or before Friday, July 21, 2023. Plaintiffs' replies, if any, shall be filed on or before Friday, July 28, 2023.

4. Boeing will shortly file its motion to dismiss for forum non conveniens. The Parties met and conferred, but were unable to agree upon a briefing schedule. The Parties did agree to meet and confer on discovery related to Boeing's forthcoming motion once the motion is filed.

Dated: June 26, 2023

By: /s/ Benjamin L. Hatch

Benjamin L. Hatch, VA Bar No. 70116
BHatch@mcguirewoods.com
McGuireWoods LLP
World Trade Center
101 West Main Street, Suite 9000
Norfolk, VA 23510-1655
Telephone: +1.757.640.3700
Facsimile: +1.757.640.3947

Mack H. Shultz (admitted *pro hac vice*)
MShultz@perkinscoie.com
Perkins Coie LLP
1201 3rd Avenue, Ste 4900
Seattle, WA 98101
Telephone: +1.206.359.8000
Facsimile: +1.206.359.9000

*Attorneys for Defendant The Boeing
Company*

CERTIFICATE OF SERVICE

I, Benjamin L. Hatch, hereby certify that on June 26, 2023, I filed the foregoing ***CONSENT MOTION*** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record.

/s/ Benjamin L. Hatch

Benjamin L. Hatch, VA Bar No. 70116

BHatch@mcguirewoods.com

McGuireWoods LLP

World Trade Center

101 West Main Street, Suite 9000

Norfolk, VA 23510-1655

Telephone: +1.757.640.3700

Facsimile: +1.757.640.3947